



Fisheries Administrative)
Order No. 194)
Series of 1998)

Subject: Moratorium on Commercial Fishing Vessels in Lingayen Gulf

Whereas, Lingayen Gulf has been declared environmentally critical area through Presidential Proclamation 156;

Whereas, scientific studies showed that overfishing in Lingayen Gulf is due to: unabated operations of trawl, Danish seines and other commercial fishing vessels; increasing number of small fishing boats; and prevalent occurrence of dynamite fishing and cyanide fishing;

Whereas, fishing with the above gears contribute to the depletion of the fishery resources, destroy the coral reefs, seagrass beds and other coastal habitats;

Whereas, while the commercial fisheries sector contributes about 3,220 metric tons of fish per year (average from 1991-1995) and provides employment to about 2,000 individuals, studies indicate that the entire gulf waters can only accommodate about 15-20 commercial fishing boats. However, records reveal that there are now 76 commercial fishing boats operating in the area;

NOW, THEREFORE, pursuant to Sections 107 and 128 of Republic Act 8550 "An Act Providing for the Development, Management and Conservation of the Fisheries and Aquatic Resources, Integrating All Laws Pertinent Thereto, and for other Purposes", otherwise known as the Philippine Fisheries Code of 1998, the following rules and regulations governing commercial fishing operations in Lingayen Gulf are hereby promulgated.

SECTION 1. Definition. The terms as used herein shall be construed as follows:

- a. Bureau - refers to the Bureau of Fisheries and Aquatic Resources (BFAR).
- b. Commercial Fishing - the taking of fishery species by passive or active gear for trade, business or profit beyond subsistence or sports fishing, to be further classified as:
 - (1) Small-scale commercial fishing - fishing with passive or active gear utilizing fishing vessels of 3.1 gross tons (GT) up to twenty (20) GT;
 - (2) Medium-scale commercial fishing - fishing utilizing active gears and vessels of 20.1 GT up to one hundred fifty (150) GT; and

Gintong Ani
"Dadami ang palay,
giginhawa ang buhay"



(3) Large-scale commercial fishing - fishing utilizing active gears and vessels of more than one hundred fifty (150) GT.

c. Danish Seine (hulbot-hulbot, palisot, pasangko, bira-bira, hulahop) - is a fishing gear consisting of a conical shaped net with a pair of wings, the ends of which are connected to two ropes with buri, plastic strips or any similar materials to serve as scaring/herding device with hauling ropes passing through a metallic ring permanently attached to a tom weight (linggote) when hauled into a fishing boat.

d. Director - refers to the Director of the Bureau of Fisheries and Aquatic Resources.

e. Lingayen Gulf - is a semi-circular embayment located at the northeast coast of Luzon and opens directly into the South China Sea. The mouth of the gulf is bounded on the west by Bolinao, Pangasinan and an imaginary line towards Poro Point in San Fernando, La Union, enclosing an area of about 2,620 square kilometers.

f. Moratorium - is a legally authorized period of delay, suspension or temporary ban on the issuance of licenses for the operation of commercial fishing vessel in specific area or areas in Philippine waters for a limited period of time if there are indications of overfishing brought about by a decrease in the volume and sizes of fish caught or for conservation and ecological purposes.

g. Person - refers either to a natural or juridical entities such as individuals, associations, partnerships, cooperatives or corporations.

h. Trawl - an active fishing gear consisting of a bag- shaped net with or without otter boards to open its opening which is dragged or towed along the bottom or through the water column to take fishery species by straining them from the water, including all variations and modifications of trawls (bottom, mid-water and baby trawls) and tow nets.

SECTION 2. Moratorium on Commercial Fishing Vessels in Lingayen Gulf. - The moratorium on commercial fishing vessels in the gulf will be implemented within three years under the following schemes:

- (a) No license will be issued for the entry of new fishing vessels;
- (b) The existing trawl and Danish seine vessels will be maintained;
- (c) Fishing boats from other areas/regions will not be allowed to operate inside the gulf.

Criteria for phasing out commercial fishing vessels and guidelines for the implementation of the moratorium will be established by BFAR in consultation with the Lingayen Gulf Coastal Area Management Commission, Department of Interior and Local Government, Department of Environment and Natural Resources and the DA Regional Fisheries Office and others.


SECTION 3. Role of LGUs and LGCAMC. The local government units (LGUs) around Lingayen Gulf, in coordination with and assistance from the Lingayen Gulf Coastal Area Management Commission (LGCAMC) and BFAR are enjoined to support the LGUs in formulating a unified municipal fisheries ordinance to prohibit the operation of commercial fishing vessels in municipal waters pursuant to RA 8550.

SECTION 4. Prohibition. It shall be unlawful for any person, company/corporation, or association to operate trawl, Danish seine and other commercial fishing vessel/gear as specified in Section 2. However, the Bureau may allow the operation of trawl and Danish seine to any government or private institutions/companies for research, experimental, educational and scientific purposes, only subject to such terms and condition as the Director may deem necessary to impose.

SECTION 5. Penalty. Any violation of this Order shall subject the offender to a fine from Five Hundred Pesos (P500.00) to Five Thousand Pesos (P5,000.00) or cancel his license, or impose both such fine and cancellation of the license.

SECTION 6. Effectivity. This order shall take effect fifteen (15) days after its publication in the Official Gazette and/or in two (2) newspapers of general circulation.

ISSUED this 24th day of June, in Quezon City, Metro Manila, Philippines.


SALVADOR H. ESCUDERO III
Secretary

RECOMMENDING APPROVAL:


DENNIS B. ARAULLO
Director